

BOARD OF COUNTY COMMISSIONERS AGENDA ITEM SUMMARY

Meeting Date: November 16, 2005

Division: Growth Management

Bulk Item: Yes _____ No X

Department: Planning and Env. Resources

Staff Contact Person: Timothy J. McGarry

AGENDA ITEM WORDING: A public hearing to consider a request for Administrative Relief from Magaly Rivas, Lot 4, Block 6, Sunrise Point Revised Plat Subdivision, Key Largo, Real Estate Number #00483810.000000.

ITEM BACKGROUND: A building permit and ROGO allocation were applied for on November 19, 2001 (Year 10, Quarter 2). The applicant applied for Administrative Relief on September 12, 2005 (Year 14, Quarter 1) and is within the allowable time frame to be eligible for Administrative Relief under Section 9.5-122.2(f) of the Monroe County Code.

Staff recommends that Administrative Relief be granted in the form of a dwelling unit allocation award.

PREVIOUS RELEVANT BOCC ACTION: N/A

CONTRACT/AGREEMENT CHANGES: N/A

STAFF RECOMMENDATIONS: Approval.

TOTAL COST: N/A

BUDGETED: Yes N/A No

COST TO COUNTY:_____N/A

SOURCE OF FUNDS: N/A

REVENUE PRODUCING: Yes ___ No ___ AMOUNT PER MONTH: ___ Year: ___

APPROVED BY: County Atty.: X OMB/Purchasing: N/A Risk Management: N/A

DIVISION DIRECTOR APPROVAL:

(Timothy J. McGarry, AICP)

DOCUMENTATION: Included X

Not Required

DISPOSITION: _____

AGENDA ITEM #

RESOLUTION NO. -2005

A RESOLUTION BY THE MONROE COUNTY BOARD OF
COUNTY COMMISSIONERS **APPROVING** THE REQUEST
MADE BY MAGALY RIVAS FOR ADMINISTRATIVE
RELIEF IN THE FORM OF A DWELLING UNIT
ALLOCATION ON THE LOT DESCRIBED AS LOT 4,
BLOCK 6, SUNRISE POINT AMENDED PLAT, KEY LARGO,
RE#00483810.000000.

WHEREAS, Magaly Rivas submitted an application for a building permit allocation under the Residential Rate of Growth Ordinance (ROGO) in November of 2001; and

WHEREAS, the application has been in the ROGO system for at least four (4) consecutive years; and

WHEREAS, the Board of County Commissions (BOCC) has the authority to grant Administrative Relief under Section 9.5-122.2(f)(6) and may grant the applicant a building allocation, offer to buy the property at fair market value, or provide such other relief as may be necessary and appropriate; and

WHEREAS, the lot is not identified as being in the Conservation and Native Area (CNA), received no negative environmental points and one (1) positive environmental point; and

WHEREAS, Board of County Commissioners Resolution #223-2004 directs staff to identify small parcels with indigenous hammock and pinelands for recommended purchase; and

WHEREAS, the subject property is not an area of indigenous hammock or pinelands; and

WHEREAS, Policy 101.6.5 of the 2010 Comprehensive Plan provides criteria to be used for determining lands that are appropriate for acquisition and the criteria includes the environmental sensitivity of the vegetative habitat on the lot; and

WHEREAS, the subject property, located in Sunrise Point Amended Plat Subdivision is not environmentally sensitive; and

WHEREAS, the Monroe County Board of County Commissioners makes the following findings of fact and conclusions of law:

1. The Magaly Rivas application for Lot 4, Block 6, Sunrise Point Amended Plat subdivision received no negative environmental points and one (1) positive environmental point; and
2. The applicants have applied for Administrative Relief under Section 9.5-122.2(f)(6) of the Monroe County Code and Policy 101.6.1 of the 2010 Comprehensive Plan and Section 9.5-122.2(f) of the Monroe County Code provides a mechanism whereby an applicant who has not received an allocation award in ROGO may apply to the Board of County Commissioners for Administrative Relief; and

3. The applicant has been in the ROGO system for three of the last four annual allocations periods and therefore qualifies for Administrative Relief; and
4. The property does not qualify under criteria established by Resolution #223-2004 for purchase by the Monroe County Land Authority of small parcels with indigenous hammock and pinelands; and
5. The property does not qualify as environmentally sensitive under criteria established by Policy 101.6.5 and Policy 101.6.6 of the Monroe County Year 2010 Comprehensive Plan that directs the County to prioritize acquisition based on the environmental sensitivity of the land.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, THAT:

Administrative Relief is granted to Magaly Rivas on Lot 4, Block 6, Sunrise Point Amended Plat Subdivision in the form of a dwelling unit allocation award, subject to the following conditions:

1. The timing of the issuance of the permit shall be in accordance with the annual number of residential allocations defined by Policy 101.2.13 of the Monroe County Year 2010 Comprehensive Plan and as required by Section 9.5-122.2(f) of the Monroe County Code; and
2. The allocation award shall be taken out of the next quarterly allocation, (Quarter 2, Year 14) or such time as a residential allocation becomes available; and
3. The assignment of a nutrient reduction credit shall be required prior to issuance of the permit.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida at a regular meeting held on the _____ day of _____, 2005.

Mayor Dixie Spehar _____
 Mayor Pro Tem Charles "Sonny" McCoy _____
 Commissioner George Neugent _____
 Commissioner David Rice _____
 Commissioner Murray Nelson _____

BOARD OF COUNTY COMMISSIONERS
 OF MONROE COUNTY, FLORIDA

BY _____
 Mayor Dixie Spehar

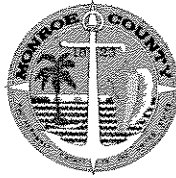
(SEAL)

ATTEST: DANNY L. KOLHAGE, CLERK

 DEPUTY CLERK



GROWTH MANAGEMENT DIVISION
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Tavernier, Florida 3300
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BOARD OF COUNTY COMMISSIONERS
Mayor Dixie M. Sphere, District 1
Mayor Pro Tem Charles "Sonny" McCoy, District 3
George Neugent, District 2
David P. Rice, District 4
Murray E. Nelson, District 5

To: Board of County Commissioners

From: Timothy J. McGarry, Acting Director
Department of Planning and Environmental Resources

Date: October 19, 2005

Subject: **Magaly Rivas, Administrative Relief Request**

Background on Subject Property:

The subject property is zoned Improved Subdivision (IS) and is located in the Sunrise Point Revised Plat Subdivision, Lot 4, Block 6, Key Largo, Real Estate Number #00483810.000000. The applicant purchased the property in April, 1998. The sale price is listed in the assessor's records as \$35,000.00. The current land value is listed in the assessor's records as \$39,780.00. The applicant entered the Residential Rate of Growth Ordinance (ROGO) system on November 19, 2001, (Year 10, Quarter 2). Permit #01-3-3320

Permitting History:

A building permit and ROGO allocation were applied for on November 19, 2001, (Year 10, Quarter 2). The application scored seventeen (17) points: ten (10) points from planning, six (6) points from the building department with seven (7) points for building features and minus one (-1) point for construction in an AE-8 flood zone; and (1) point from environmental resources as the subject property was determined to be Habitat Protection Group 1, disturbed/scarified, by the Upper Keys Biologist.

Currently, with the addition of three perseverance points, the property scores twenty (20) points. The applicant will be awarded one more perseverance point at the end of the 2nd quarter of Year 14, January 13, 2006 for a total of twenty-one (21) points.

The property lies between two (2) developed lots. There is only one (1) other vacant lot on Bonita Street where the property is located. The rest of the Sunrise Point Subdivision is largely built out, with few lots remaining which have not been entered into the ROGO Allocation System.

There have been 7 ROGO allocations granted in this subdivision, and another seven (7) are currently in the system awaiting an allocation. A list of permits allocated and issued, along with the ROGO allocation year is attached as Appendix A.

The applicant applied for Administrative Relief on September 12, 2005, (Year 14, Quarter 1) and is within the allowable time frame to be eligible for Administrative Relief under section 9.5-122.2(f) of the Monroe County Code.

Development Potential:

Zoning – The property is zoned Improved Subdivision (IS) allows single-family residential dwellings and accessory uses. As an IS lot, it has no TDR value under the current code.

Future Land Use Map (FLUM) – The FLUM indicates the property to be Residential Medium (RM) which is intended for single-family residential use.

Land Type – The property was given a point assignment of one (1) positive point for being in Habitat Group 1 which is defined in Section 9.5-122.3(7) and includes the following; disturbed/scarified or disturbed with hammock or disturbed with exotics. This is the least environmentally sensitive category of the four described in Section 9.5-122.3(7).

Neighboring Properties – The subdivision is highly developed with few remaining vacant lots.

ROGO - The ROGO point system is designed to direct growth to protect natural resources and to encourage infill development of improved subdivision lots. In response to Objectives 101.5 of the Monroe County 2010 Comprehensive Plan which directs the County to protect natural resources. Land Development Regulations (LDRs) have been adopted that score minus ROGO points in environmentally sensitive lands. The subject lot received no negative points under Section 9.5-122.3 of the Land Development Regulations, and is not identified as being in the Conservation and Natural Areas (CNA).

Eligibility for Administrative Relief Options:

Section 9.5-122.2(f) of the Monroe County Land Development Regulations and Policy 101.6.1 of the 2010 Comprehensive Plan provides a mechanism whereby an application which has not received an allocation award in ROGO may apply to the Board of county Commissioners for Administrative Relief. The applicant is eligible for Administrative Relief having complied with all requirements of the dwelling unit allocation system and having been considered in at least three (3) of the last four consecutive annual allocation periods and having submitted their application for Administrative Relief no earlier than the third annual allocation period and no later than ninety (90) days following the close of the fourth allocation period.

Relief Options under Administrative Relief:

The remedies available to an application for Administrative Relief pursuant to Section 9.5-122.2(f) include issuance of an allocation award or just compensation by purchase of the property or such other relief as may be necessary or appropriate.

The subject property does not contain sensitive environmental features or any significant habitat for endangered or threatened animal species. It therefore does not meet the criteria established under the existing Policy 101.6.6 and Policy 102.4.2, or the proposed Policy 101.6.5 of the Year 2010 Comprehensive Plan for the purchase of property under Administrative Relief.

The applicant has requested Administrative Relief in the form of a granting of an allocation and has not expressed a desire to sell the property to the County as provided for under Policy 101.6.1 of the Year 2010 Comprehensive Plan.

Staff Analysis:

The Growth Management Division has reviewed the application and recommends the award of a ROGO allocation to the applicant.

Findings of Fact:

1. The Magaly Rivas ROGO application for Lot 4, Block 6, Sunrise Point Amended Plat Subdivision received no negative environmental points and one (1) positive environmental point; and
2. Policy 101.6.1 of the 2010 Comprehensive Plan and Section 9.5-122.2(f) of the Monroe County Land Development Regulations provides a mechanism whereby an applicant who has not received an allocation award in ROGO may apply to the Board of County Commissioners for Administrative Relief; and
3. The applicant has been in the ROGO system for three of the last four annual allocations periods and therefore qualifies for Administrative Relief; and
4. The property does not qualify under criteria established by Resolution #223-2004 for purchase by the Monroe County Land Authority of small parcels with indigenous hammock and pinelands; and
5. The property does not qualify as environmentally sensitive under criteria established by Policy 101.6.5 and Policy 101.6.6 of the Monroe County Year 2010 Comprehensive Plan that directs the County to prioritize acquisition based on the environmental sensitivity of the land.

Recommendation:

1. It is recommended that the Board of County Commissioners find that the applicant has met the criteria and qualifies for Administrative Relief. The form of this relief is an award of a ROGO allocation in the next quarterly ROGO allocation period, or at such time as a ROGO allocation is available.

cc: Timothy J. McGarry, AICP, Director of Growth Management
Mark Rosch, Monroe County Land Authority

APPENDIX A

ROGO ALLOCATIONS FOR SUNRISE POINT AMENDED PLAT SUBDIVISION

YEAR 1 – JULY 1992 – JULY 1993

NONE

YEAR 2 – JULY 1993 – JULY 1994

NONE

YEAR 3 – JULY 1994 – JULY 1995

93-3-10196

94-3-3002

YEAR 4 – JULY 1995 – JULY 1996

NONE

YEAR 5 – JULY 1996 – JULY 1997

95-3-0136

YEAR 6 – JULY 1997 – JULY 1998

NONE

YEAR 7 – JULY 1998 – JULY 1999

99-3-0465

98-3-2511

YEAR 8 – JULY 1999 - JULY 2000

99-3-0835

YEAR 9 – JULY 2000 – JULY 2001

NONE

YEAR 10 – JULY 2001 – JULY 2002

YEAR 11 – JULY 2002 – JULY 2003

NONE

YEAR 12 – JULY 2003 – JULY 2004

01-3-3810

YEAR 13 – JULY 2004 – JULY 2005

00483810.000000 Magaly Rivas



Property line = +/- 10 feet

2003 Aerial Photos



This map is for Monroe County Growth Management purposes only. The data contained herein is illustrative only and may not accurately depict boundaries, parcels, roads, right of ways, or identification information.

7/04

JK 2005

Magaly Rivas 00483810.000000

